

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RONNIE LEE FORD,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:20CV572
	)	
STATE OF NORTH CAROLINA,	)	
	)	
Respondent.	)	

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on February 16, 2021, was served on the parties in this action. In response, Petitioner filed several pleadings. In addition to objecting to the Recommendation, (ECF No. 25), Petitioner filed two motions for discovery, (ECF Nos. 21 and 30), and a motion to expand the record, (ECF No. 22). He also filed a motion entitled “Request for a Certificate of Appealability”, (ECF No. 26). Finally, he filed a motion to amend his objection, (ECF No. 28). Aside from the motion to amend, none of these pleadings has merit.

Regarding Petitioner’s motion to amend his objection, (ECF No. 28), Rule 15(a) of the Federal Rules of Civil Procedure states, “[a] party may amend its pleading once as a matter of course within 21 days after serving it” or within 21 days of a responsive pleading or motion under Rule 12(b), (e), or (f), whichever is earlier. Fed. R. Civ. P. 15(a). Petitioner filed his original objection on March 1, 2021; he filed his motion to amend that objection on March 8, 2021. Because he filed his motion to amend well within the allowed twenty-one days, the court will accept the amendment as a matter of course pursuant to Rule 15(a).

Regarding Petitioner's objections and amended objections, the court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

As for Petitioner's additional motions for discovery and to expand the record, the court finds no merit in them. "A habeas petitioner . . . is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). Rule 6(a) of the Rules Governing § 2254 Cases provides, "[a] party shall be entitled to invoke the processes of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise." "A showing of good cause must include specific allegations suggesting that the petitioner will be able to demonstrate that he is entitled to habeas corpus relief." *Stephens v. Branker*, 570 F.3d 198, 213 (4th Cir. 2009), *cert. denied*, 558 U.S. 1122 (2010). Petitioner has not shown in any of his three motions for discovery cause, let alone good cause, for this court to grant him the discovery he seeks. Petitioner's Section 2254 petition is out of time, but Petitioner seeks documents only related to the merits of his case. Because none of these documents will aid in challenging the Magistrate Judge's recommendation based on the statute of limitations and demonstrate that he is entitled to relief, Petitioner is not entitled to them. The motions for discovery, (Docket Entries 21 and 30), and motion to expand the record, (ECF No. 22), will be denied.

Finally, Respondent has pointed out that Petitioner has once again included the full names and identifying features of the minor children and their parents involved in this sexual assault case. (ECF No. 27 at 5-6; ECF No. 32 at 2-3.) For the same reasons explained in the

Magistrate Judge's original Order granting Respondent's Motion to Seal, (ECF No. 19), the court will seal all of the documents filed by Petitioner that do not redact the names and identifying features of the minor children and their parents involved in Petitioner's case. (*See* ECF Nos. 21, 23, 24, 25, 29, and 30.)

IT IS THEREFORE ORDERED that Petitioner's motion to amend his objection, (ECF No. 28), is GRANTED, that Respondent's motion to dismiss, (ECF No. 9), is GRANTED, and that the § 2254 petition, (ECF No. 2), is DISMISSED.

IT IS FURTHER ORDERED that Petitioner's motions for discovery, (ECF Nos. 21 and 30), motion to expand the record, (ECF No. 22), and motion for a certificate of appealability, (ECF No. 26), are DENIED.

IT IS FURTHERED ORDERED that Respondent's request that the court seal Petitioner's pleadings to protect the names and identifying features of the juveniles and their parents involved in this case is GRANTED. The Clerk is therefore directed to seal ECF Nos. 21, 23, 24, 25, 29, and 30 in their entirety.

A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 5<sup>th</sup> day of April 2021.

/s/ Loretta C. Biggs  
United States District Judge